

**BEFORE THE
STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**HYDREX TERMITE AND PEST
CONTROL OF SAN GABRIEL VALLEY**
11104 Rush St., Unit #5
South El Monte, CA 91733
**Company Registration Certificate No. PR
4531, Br. 2 and 3**

STANLEY KARL SANDERS, President
**ERIC JOSEPH WERNER, Qualifying
Manager**
**SERGIO ZAMORANO, Qualifying
Manager**

-and-

ERIC JOSEPH WERNER
11072-A Mt. Brow Road
Sonora, CA 95370
Operator License No. OPR 11667, Br. 2

-and-

SERGIO ZAMORANO
14408 East Whittier Boulevard #B3
Whittier, CA 90605
Operator License No. OPR 10565, BR. 3

Respondents.

Case No. 2014-37

OAH No. 2014030514

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Structural Pest Control Board, Department of Consumer Affairs, as its Decision for Respondent Eric Joseph Werner in this matter.

This Decision shall become effective on November 29, 2014.

It is so ORDERED October 30, 2014



FOR THE STRUCTURAL PEST CONTROL BOARD
DEPARTMENT OF CONSUMER AFFAIRS

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ZACHARY T. FANSELOW
Deputy Attorney General
4 State Bar No. 274129
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Attorneys for Complainant

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8 **BEFORE THE**
STRUCTURAL PEST CONTROL BOARD
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2014-37

11 **HYDREX TERMITE AND PEST**
12 **CONTROL OF SAN GABRIEL VALLEY**
11104 Rush St., Unit #5
13 South El Monte, CA 91733
Company Registration Certificate No. PR
14 **4531, Br. 2 and 3**

OAH No. 2014030514
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT ERIC JOSEPH WERNER
ONLY

15 **STANLEY KARL SANDERS, President**
16 **ERIC JOSEPH WERNER, Qualifying**
Manager
17 **SERGIO ZAMORANO, Qualifying**
Manager

18 -and-

19 **ERIC JOSEPH WERNER**
11072-A Mt. Brow Road
20 Sonora, CA 95370
Operator License No. OPR 11667, Br. 2

21 -and-

22 **SERGIO ZAMORANO**
14408 East Whittier Boulevard #B3
23 Whittier, CA 90605
24 **Operator License No. OPR 10565, BR. 3**

25 Respondents.
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1 IT IS HEREBY STIPULATED AND AGREED by and between the parties¹ to the above-
2 entitled proceedings that the following matters are true:

3 **PARTIES**

4 1. Susan Saylor ("Complainant") is the Registrar/Executive Officer of the Structural
5 Pest Control Board. She brought this action solely in her official capacity and is represented in
6 this matter by Kamala D. Harris, Attorney General of the State of California, by Zachary T.
7 Fanselow, Deputy Attorney General.

8 2. Respondent Eric Joseph Werner is representing himself in this proceeding and has
9 chosen not to exercise his right to be represented by counsel.

10 3. On or about March 17, 2008, the Structural Pest Control Board issued Operator's
11 License No. OPR 11667 to Eric Joseph Werner ("Respondent"). Respondent's Operator's
12 License was in full force and effect at all times relevant to the charges brought in Accusation No.
13 2014-37 and will expire on June 30, 2016, unless renewed.

14 **JURISDICTION**

15 4. Accusation No. 2014-37 was filed before the Structural Pest Control Board
16 ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The
17 Accusation and all other statutorily required documents were properly served on Respondent on
18 December 3, 2013. Respondent timely filed his Notice of Defense contesting the Accusation.

19 5. A copy of Accusation No. 2014-37 is attached as Exhibit A and incorporated herein
20 by reference.

21 **ADVISEMENT AND WAIVERS**

22 6. Respondent has carefully read, and understands the charges and allegations in
23 Accusation No. 2014-37. Respondent has also carefully read, and understands the effects of this
24 Stipulated Settlement and Disciplinary Order.

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26 _____
27 ¹ The parties in this Stipulated Settlement are the Structural Pest Control Board and
28 Respondent Eric Joseph Werner only. The other named Respondents are not a party to this
settlement.

1 7. Respondent is fully aware of his legal rights in this matter, including the right to a
2 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
3 his own expense; the right to confront and cross-examine the witnesses against him; the right to
4 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
5 the attendance of witnesses and the production of documents; the right to reconsideration and
6 court review of an adverse decision; and all other rights accorded by the California
7 Administrative Procedure Act and other applicable laws.

8 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
9 every right set forth above.

10 CULPABILITY

11 9. Respondent admits the truth of each and every charge and allegation in Accusation
12 No. 2014-37.

13 10. Respondent agrees that his Operator's License is subject to discipline and he agrees to
14 be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

15 CONTINGENCY

16 11. This stipulation shall be subject to approval by the Structural Pest Control Board.
17 Respondent understands and agrees that counsel for Complainant and the staff of the Structural
18 Pest Control Board may communicate directly with the Board regarding this stipulation and
19 settlement, without notice to or participation by Respondent. By signing the stipulation,
20 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the
21 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
22 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
23 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
24 the parties, and the Board shall not be disqualified from further action by having considered this
25 matter.

26 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
27 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
28 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Operator's License No. OPR 11667 issued to Respondent Eric Joseph Werner is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all Federal, State and Local laws along with all laws and rules relating to the practice of structural pest control.

2. **Quarterly Reports.** Respondent shall file quarterly reports with the Board during the period of probation.

3. **Tolling of Probation.** Should Respondent leave California to reside outside this state, Respondent must notify the Board in writing of the dates of departure and return. Periods of residency or practice outside the state shall not apply to reduction of the probationary period.

4. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in case no. 2014-37 and the terms, conditions and restriction imposed on Respondent by said decision.

Within 30 days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent shall cause his employer to report to the Board in writing acknowledging the employer has read the decision in case no. 2014-37.

5. **Notice to Employees.** Respondent shall, upon or before the effective date of this decision, post or circulate a notice to all employees involved in structural pest control operations

1 which accurately recite the terms and conditions of probation. Respondent shall be responsible
2 for said notice being immediately available to said employees. "Employees" as used in this
3 provision includes all full-time, part-time, temporary and relief employees and independent
4 contractors employed or hired at any time during probation.

5 6. **Completion of Probation.** Upon successful completion of probation, Respondent's
6 license will be fully restored.

7 7. **Violation of Probation.** Should Respondent violate probation in any respect, the
8 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and
9 carry out the disciplinary order which was stayed. If a petition to revoke probation is filed against
10 Respondent during probation, the Board shall have continuing jurisdiction until the matter is
11 final, and the period of probation shall be extended until the matter is final.

12 8. **Prohibited from Serving as Officer, Director, Associate, Partner or Qualifying**
13 **Manager.** Respondent is prohibited from serving as an officer, director, associate, partner,
14 qualifying manager or branch office manager of any registered company during the period that
15 discipline is imposed on Operator's License No. OPR 11667.

16 9. **No Interest In Any Registered Company.** Respondent shall not have any legal or
17 beneficial interest in any company currently or hereinafter registered by the Board.

18 10. **Cost Recovery.** Respondent shall pay to the Board, pursuant to Business and
19 Professions Code section 125.3, the costs of investigation and enforcement in this matter in the
20 amount of \$1,803.95. Payment to the Bureau shall be made in thirty-three (33) equal monthly
21 installments, with the final payment due three (3) months before the termination of probation.
22 Failure to complete payment of cost recovery within this time frame shall constitute a violation of
23 probation which may subject Respondent's Operator's License to outright revocation.

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1 ACCEPTANCE

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
3 stipulation and the effect it will have on my Operator's License. I enter into this Stipulated
4 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
5 bound by the Decision and Order of the Structural Pest Control Board.

6
7 DATED: 8-12-14


8 ERIC JOSEPH WERNER
9 Respondent

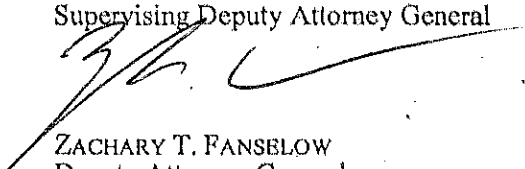
10 ENDORSEMENT

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
12 submitted for consideration by the Structural Pest Control Board.

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14
15 Dated: 8/12/14

Respectfully submitted,

16 KAMALA D. HARRIS
17 Attorney General of California
18 MARC D. GREENBAUM
19 Supervising Deputy Attorney General


20 ZACHARY T. FANSELOW
21 Deputy Attorney General
22 *Attorneys for Complainant*

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